

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TERION COLLINS,

Plaintiff,

v.

HEATHER SHIRLEY, et al.,

Defendants.

Case No.: 1:23-cv-00483 CDB (PC)

**ORDER GRANTING DEFENDANTS'  
REQUEST FOR AN EXTENSION OF  
TIME WITHIN WHICH TO FILE NOTICE  
REGARDING EARLY ADR**

(Doc. 20)

Plaintiff Terion Collins is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Shirley, Cronjager and Degough on Plaintiff's Eighth Amendment conditions of confinement claims.

**I. RELEVANT PROCEDURAL HISTORY**

On September 11, 2023, this Court issued its Order Referring Case to Post-Screening ADR and Staying Case for 90 Days. (Doc. 17.) Relevant here, the parties were directed to file notice indicating whether they wished to participate in an early settlement conference within 45 days. (*Id.* at 2.)

On October 26, 2023, Defendants filed a "Notice of Motion and Motion for Administrative Relief Re: Extension of Time to File Motion to Opt Out of Post-Screening ADR Project; Declaration of M. Iranmanesh." (Doc. 20.) Defendants seek a 14-day extension of time

1 within which to “determine whether to file a motion to opt out of the Post-Screening ADRP  
2 Project.” (*Id.* at 1.) More particularly, defense counsel declares that he needs additional time to  
3 investigate Plaintiff’s claims before determining whether it would be productive to participate in  
4 an early settlement conference. (*Id.* at 3, ¶ 3.) Counsel declares he is attempting to track down all  
5 relevant documents and needs to further confer with California Department of Corrections and  
6 Rehabilitation personnel. (*Id.*) Additionally, counsel declares he needs to review Plaintiff’s  
7 medical records and speak with his treating physician. (*Id.*) Counsel declares the request is not  
8 made for any improper purpose or to cause undue delay. (*Id.*, ¶ 4.)

9           **II. CONCLUSION AND ORDER**

10           The Court notes a “motion” is not required of Defendants should they elect to opt out of  
11 ADR proceedings. Rather, Defendants need only complete and file the notice attached to this  
12 Court’s September 11, 2023 Order. (*See Doc.* 17 at 3.) Notably too, Local Rule 144(d) provides  
13 that “[c]ounsel shall seek to obtain a necessary extension from the Court … as soon as the need  
14 for an extension becomes apparent. Requests for Court-approved extensions brought on the  
15 required filing date for the pleading or other document are looked upon with disfavor.”

16           Accordingly, and for good cause shown, **IT IS HEREBY ORDERED** that:

- 17           1. Defendants’ request for an extension of time within which to file notice concerning  
18 participation in early ADR is **GRANTED**; and  
19           2. Defendants **SHALL** file such notice **no later than November 9, 2023**.

20 IT IS SO ORDERED.

21 Dated: November 6, 2023

  
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23           UNITED STATES MAGISTRATE JUDGE  
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